

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

PROMESA Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

No. 17 BK 3283 (LTS)

(Jointly Administered)

As representative of

THE COMMONWEALTH OF PUERTO
RICO, *et. als.*

Debtors¹

**FERNANDO A. COMULADA ORTIZ'S ANSWER TO FOUR HUNDRED
NINETY-SIXTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO TO PARTIALLY SATISFIED AND
PARTIALLY NO LIABILITY CLAIMS**

TO THE HONORABLE COURT:

COMES NOW, Fernando A. Comulada Ortiz ("Comulada"), through his undersigned counsel, and respectfully submits his answer to Debtor's *Four Hundred Ninety-Sixth Omnibus Objection (Substantive) Of the Commonwealth of Puerto Rico to Partially Satisfied and Partially No Liability Claims* (ECF No. 21749) (the "Objection") as follows:

1. On May 24, 2018, Comulada filed his Claim No. 20873 against the Commonwealth

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233 (LTS)) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

of Puerto Rico (the “Commonwealth”) for \$38,000.00 premised on ten (10) lost portions of traditional lottery ticket no. 01180 Series B, Draw 394 and twenty (20) lost portions of traditional ticket no. 28324 Series C, Draw 394 (the “Claim”).

2. On August 5, 2022, the Commonwealth filed the Objection moving for the disallowance of the Claim on the basis that it purports to assert liabilities associated with the Commonwealth, but fails to provide any basis or supporting documentation for asserting a claim against the Commonwealth, such that the debtors are unable to determine whether Comulada has a valid claim against the Commonwealth or any of the Title III debtors.

3. While performing as a supervisor for Puerto Rico Aqueduct and Sewer Authority (“PRASA”), on September 17, 2014, around 9:30 a.m., Comulada purchased from traditional lottery ticket vendor (“Chupi”), who customarily sold lottery tickets in front of PRASA’s office, 25 portions of lottery ticket number 01180 (one half of lottery ticket), draw 394, Series B for September 24, 2014. On September 23, 2014, Comulada purchased from Chupi 20 additional portions of lottery ticket 01180 and 20 portions of lottery ticket number 28324 Series C, also for draw 394 for September 24, 2014.

4. The aforesaid portions of the lottery tickets were lost by Comulada, being placed with other personal documents in a folder, which Comulada misplaced, as it is more specifically stated by Comulada in his sworn statement of October 24, 2014, under affidavit number 18128 of notary public Ramón Antonio Cestero, Annex A attached to the complaint filed by Comulada against the Commonwealth et. al. in Civil Number 2014-1073, before the Court of First Instance of Puerto Rico Superior Section of San Juan (the “Complaint”) (**Exhibit A** hereto).

5. As it appears from the Complaint the portions of the lottery tickets referred to above resulted in winning portions of the lottery tickets at their draw as follows:

- Lottery Ticket No. 01180 as the first prize for draw number 394 for \$150,000.00,

equivalent to \$3,000.00 for each portion, of which, at the date of trial, 10 portions were still outstanding totaling \$30,000.00.

- Lottery Ticket No. 28324 as the third prize for draw number 394 for \$20,000.00, equivalent to \$400.00 for each portion, of which at the date of trial Comulada's 20 portions were outstanding totaling \$8,000.00.

6. The trial of Case Number KAC2014-1073 was held on May 16, 2017, the State Court granting the parties until June 5, 2017, to file simultaneous memoranda of law.

7. On May 3, 2017, the Financial Oversight and Management Board for Puerto Rico filed a petition for relief on behalf of the Commonwealth pursuant to Title III of Puerto Rico Oversight Management and Economic Stability Act ("PROMESA"), and as a result the proceedings in Case No. KAC2014-073 were stayed (**Exhibit B**).

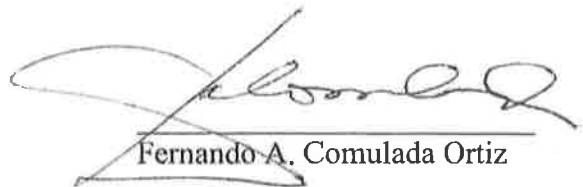
8. The amount of \$38,000.00 is due to Comulada for his lost and timely claimed portion of lottery tickets number 01180 and 28324.

JURAT

I Fernando A. Comulada Ortiz of legal age, single and resident of Carolina, Puerto Rico, state:

1. My name, personal circumstances and the character of my representation are as stated above.
2. I have read the foregoing answer and examined the exhibits hereto and what is stated above is true and correct.

I declare under penalty of perjury (as provided by 28 U.S.C. § 1746) that the foregoing is true and correct. Executed on September 7, 2022, in Carolina, Puerto Rico.



Fernando A. Comulada Ortiz

WHEREFORE, it is respectfully requested that Claim Number 20873 be allowed.

San Juan, Puerto Rico, this 8th day of September 2022

s/CHARLES A. CUPRILL-HERNÁNDEZ

USDC-PR 114312

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